

REMARKS

Claims 1 -13, 16 -22, 24, 25 and 27 – 33 are pending. Claims 6 and 7 were amended to correct a prior amendment that contained typographical errors.

In response to the Election of Species Requirement, Applicants elect to prosecute Species #1 (Figs. 5 – 7) with traverse. Species #1 corresponds to claims 1 – 6, 8 -11, 14 -23, 28 - 30, 32, and 33.

Applicants request reconsideration of the Election of Species Requirement. All of the claims were previously examined and rejected by the prior Examiner. In addition, all of the independent claims are generic. Since the claims have already been examined together, continuing to examine the apparatus claims as a group will not pose an undue burden on the Examiner. Moreover, since all the independent apparatus claims are generic, it would be fairly easy for the Examiner to search all the apparatus claims together.

Claims 1, 16, and 28 read on each of the four species identified by the Examiner. Table 1 (attached hereto) illustrates how each element of claims 1, 16, and 28 is present in each one of the species. The Examiner is requested to acknowledge that claims 1, 16, and 28 are in fact generic.

Should any questions pertaining to this case remain, the Examiner is encouraged to contact the undersigned at (510) 449-0119.

Respectfully submitted,



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Table 1

| Claim 28 Element | Fig.(s) | Reference # | Species | Specification |
|---------------------------------|---------|---------------------------------------|---------|---|
| <i>A base forming a channel</i> | 5 | 46 | 1 | |
| | 8 | 85 | 2 | |
| | 9 | unlabeled | 3 | |
| | 10 | 110 | 4 | |
| <i>Restraining Segments</i> | 5 - 7 | 48 | 1 | The restraining segments [48 and 50] and base restrict lateral and vertical movement of a stack of trays placed in the channel. <i>Page 4, para. 22, lines 3 - 7.</i> |
| | 8 | vertical wall extending from base 85 | 2 | |
| | 9 | vertical wall extending from base 85 | 3 | |
| | 10 | vertical wall extending from base 110 | 4 | |
| <i>Pressure members</i> | 5 - 7 | 60, 62 | 1 | The pressure member[s] ... 60 and 62 extending from base 46... having contact areas 68 and 70 positioned so as to contact and apply and upward forces on ...edge... portions 72 and 74 (Fig. 6) of a bottom tray of a stack inserted in the clip 36. <i>Page 4, para. 23, lines 3 - 8.</i> |
| | 8 | 78, 83 | 2 | [Fig. 8 illustrates an] alternate embodiment, wherein springs 83 similar to springs 78 can be alternatively positioned and attached to the protrusions 80 and 82 for pressuring perimeter portions of a stack of trays, forcing the stack against the base 85. <i>Page 5, lines 20 - 22.</i> |
| | 9 | 86 | 3 | Resilient members 86 are shown having an integral, molded design... placed near the right and left tray edges.... <i>Page 5, paragraph 25, lines 12 - 15.</i> |
| | 11 | 88 | 4 | [R]esilient leaf members 90 and 92 are shown positioned so as to bring leaf surfaces 94 and 96 into contact with edge portions of a tray 98 when inserted into the clip channel 100. <i>Page 5, last 4 lines.</i> |